

UNITED STATES DISTRICT COURT
 DISTRICT OF MINNESOTA
 Criminal No. 23-160 (NEB/JFD)

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) GOVERNMENT'S TRIAL
) BRIEF
 JARRETT ROBINSON (9),)
)
 ERNEST KETTER (32),)
)
 RONNELL LOCKHART (40),)
)
 CHRISTOPHER LEE WASHINGTON (31),)
)
 Defendants.

The United States of America by and through its attorneys, Lisa D. Kirkpatrick, Acting United States Attorney for the District of Minnesota, and Assistant United States Attorneys Thomas Calhoun-Lopez and Carla J. Baumel, and David L. Jaffe, Chief of the Violent Crime and Racketeering Section of the Department of Justice, and Trial Attorney Brian W. Lynch, respectfully submits its trial brief in the above-captioned case.

I. TRIAL COUNSEL

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II. INDICTMENT

The trial indictment (ECF No. 1708, Third Superseding Indictment) charges the defendants as follows:

Defendant Jarrett Robinson is charged with one count:

- RICO Conspiracy (Count 1).

Defendant Ernest Ketter is charged with two counts:

- RICO Conspiracy (Count 1); and
- Conspiracy to Distribute Controlled Substances (Count 3).

Defendant Ronnell Lockhart is charged with two counts:

- RICO Conspiracy (Count 1); and
- Conspiracy to Distribute Controlled Substances (Count 3).

Defendant Christopher Lee Washington is charged with two counts:

- RICO Conspiracy (Count 1); and
- Conspiracy to Distribute Controlled Substances (Count 3).

III. SUMMARY OF THE EVIDENCE AT TRIAL

The United States anticipates the evidence at trial will prove the following facts:

a. The Enterprise: The Highs Gang

The Highs Gang is a street gang that has existed in Minneapolis since the early 2000s. The Highs are primarily active in the area north of West Broadway Avenue in Minneapolis. By contrast, the High's main rival—the Lows—are active in and control territory south of West Broadway Avenue. Members of the Highs have committed crimes including murder, narcotics trafficking, weapons violations, burglaries, robberies, assault, and fraud.



The government anticipates one or more witnesses with prior or current affiliations/memberships within the Highs (referenced herein as “Cooperating Defendant”) will testify, in effect:

- Members of the Highs are loosely organized into a series of sub-units, or “cliques,” that operate somewhat independently of one another. The most prominent sects of the Highs are Young N’ Thuggin’ (“YNT”), Freeshotz/Bodygang, SayLess, Taliban, Emerson Murder Boys (“EMB”), Black Mob, and others. Some High members belong to more than one clique.
- The Highs congregate at specific businesses within their territory, including Winner Gas Station, Merwin Liquors, Walgreens, AutoZone, and Boost Mobile.
- The Highs do not have a formal rank structure. The Highs have members who are more respected than others and are considered leaders. These members control the drug trade in Highs territory and often take the lead in obtaining and distributing firearms.
- There is no formal initiation process to join the Highs. Instead, prospective members prove their loyalty to the gang by committing acts of violence for the benefit of the gang or offering another benefit to the gang, such as introducing a source for firearms or narcotics. Highs members can be kicked out of the gang, or physically assaulted, or both, for failing to “put in work.”

Members of the Highs demonstrate their affiliation with the gang in various ways, including, but not limited to: using common phrases or monikers on social media to publicly identify themselves with their gang, such as posting “Broadway”—a reference to the intersection at West Broadway Avenue and Lyndale Avenue North—on social media; paying tribute to deceased or incarcerated members publicly on social media; wearing clothing with gang-

related phrases and tributes to deceased members; and utilizing common hand signs.



Defendants Ketter and Washington pay tribute to Damone Rhodes, a deceased Freeshotz Member of the Highs

They also post on social media to antagonize and disrespect the Lows, such as by making the Low's L-shaped hand sign with their thumb and index finger and pointing their index finger towards the ground. This is referred to as "dropping the L."



Defendants Ketter, Robinson, and Lockhart displaying Highs gang signs.

Members of the Highs also created rap videos to promote their gang and antagonize the Lows. Highs member Gregory Brown created a video on YouTube on January 17, 2021 called “Not from the Lows,” in which members of the Highs can be seen wearing gang clothing, making gang signs, rapping about different Highs cliques and territory, and disrespecting the Lows. In the video, the Highs members also show a location where Lows member Decari Starr was killed in 2010, as a sign of disrespect to the Lows.

Highs members work together to commit crimes together. Members of every clique participate in drug trafficking, and firearms are commonly used to protect this drug trade. Members of different cliques are expected to come to the aid of one another.



Defendant Washington in a social media post with firearms.

Highs members use firearms and money to promote the status of the gang and to instill fear in their rivals.

1. Alleged Overt Acts: Murders and Attempted Murders

The common purposes of the Highs include committing crimes of violence to promote and enhance the reputation of the enterprise and to keep rival gang members in fear; and to enrich gang leaders, members, and associates through fraud, narcotics trafficking, firearms, and the commission of robberies. Highs members gain status in the enterprise by committing criminal activities beneficial to the gang. For example, Highs members are expected to locate and

kill rival gang members, particularly after an act of violence has occurred against a Highs member. By committing such violence, Highs members gain respect in the gang, which can include receiving protection, financial opportunities, and access to narcotics and firearms.

i. April 12, 2021 Robbery and Murder of Ahmed Badal

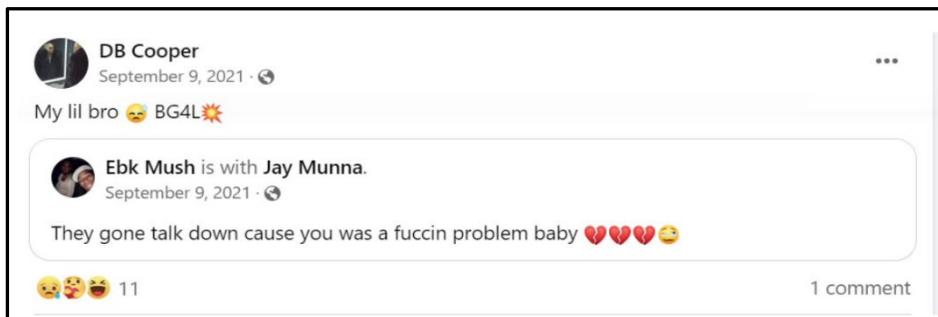
From the evening of April 11, 2021, into the early morning hours of April 12, 2021, looting took place in the south side of Minneapolis following the shooting death of Duante Wright by Brooklyn Police Officer Kim Potter. Highs members Jovan Knight, Jaylen Salter, Jarrett Robinson, and two juveniles with the initials J.B. and M.W. met up that evening to participate in the looting. M.W. was driving a Chrysler 200 with J.B. and Knight was in another vehicle with Salter and J. Robinson. They followed a group of Somali men and boxed them in with their vehicles, intending to rob them. Salter got out of his vehicle and walked up to one of the men, identified in the trial indictment as Victim F. Salter took Victim F's cell phone and went through his pockets before shooting Victim F in the leg.

During the chaos of the robbery and shooting, one of the Highs members accidentally shot J.B. Williams put J.B. in the Chrysler 200 to take him to the hospital but crashed into a Hyundai Sonata one block later. As captured on surveillance footage, the driver of the Sonata, later identified as Ahmed Badal, got out of his vehicle and began moving towards the intersection where the

crash occurred. As Badal leaves the camera view, Salter can be seen firing seven rounds towards Badal. J.B. and Badal both died as a result of their gunshot wounds.

ii. September 9, 2021 Murder of Darien Berry

On September 9, 2021, Highs member Jaylen Salter was shot and killed at a barbershop in Minneapolis. Highs members suspected that Lows were responsible for the killing and were expected to retaliate against the Lows.



Co-defendant Giles shared a Facebook post from Salter (a/k/a “Jay Munna”) one hour after Salter’s murder.

Approximately two hours after Salter’s murder, Highs member Tyreese Giles traveled to Pennwood Market, a known Low’s hangout, where he shot and killed Lows member Darien Berry. Surveillance footage from Pennwood Market captured Giles committing the murder. Specifically, the video showed Berry standing in front of the market and next to a white cargo van with two unknown males. The three were talking when they appeared to react to gunshots, and Berry began holding his chest.



Left: Giles runs after Berry at the Pennwood Market.

Right: Giles arrives at the Hennepin County Medical Center with a gunshot wound.

The two men ran inside of the market, while Berry ran behind a light-colored SUV. Giles can be seen chasing after Berry, pointing a firearm towards the area where Berry was hiding, and firing his weapon.

Giles then started to run away from the market, traveling westbound. James Reliford came out from behind Pennwood Market and fired a weapon in Giles's direction. Giles can be seen abruptly falling to the ground afterwards, before going out of view of the surveillance camera. Reliford then drove Berry to the hospital, where Berry died from his gunshot wounds. Giles was also taken to the hospital and arrived a few minutes after Berry, but he recovered from his injuries.

iii. November 7, 2021 Shooting of Victims M, N, and O

On November 7, 2021, Highs members Knight, Isaac Hodge, Douglas Mobley, a juvenile known by the initials M.W., Demonta Mathis, and Charles Evans attempted to shoot a Lows member identified in the trial indictment as Victim M outside of a Speedway gas station in Lows territory. They missed, and instead struck individuals identified in the trial indictment as Victims N and O.

Surveillance footage from the Speedway and adjacent businesses captured the shooting. The videos show a group of people arriving in three different vehicles and parking in the lot north of Minneapolis Tattoo around 2:00 a.m. Some of the group, consisting of Knight, Hodge, Mobley, M.W., and Mathis, crossed to the east side of Lyndale Avenue South and walked to the north side of West 22nd Street.

Victim M can be seen leaving a liquor store and standing in front of the northwest corner of the intersection of West 22nd Street and Lyndale Avenue South. He briefly walked out of view of surveillance cameras and returned shortly with two women. He appeared to see the group of Highs members approaching and retreated westbound on West 22nd Street between two vehicles. One of the vehicles was a Chevrolet Impala driven by Victim O.

Knight, Hodge, Mobley, M.W., and Mathis crossed Lyndale Avenue South, behind Hum's Liquor on the northwest side of the intersection. Some

of the men, including M.W., appeared to be holding firearms in their right hands. At 2:14 a.m., Knight crossed the intersection and ran into the Speedway parking lot, shooting into the direction of the Impala where James was last seen standing. Knight and Mathis then ran across Lyndale Avenue to Knight's vehicle.

Hodge drew a firearm and ran behind a car parked on the northside of West 22nd Street. He walked up the side of the vehicle, kneeled, and fired in the direction of the Impala, before fleeing across Lyndale Avenue South to his vehicle. Evans, Mobley, and M.W. also appeared to fire in the direction of the Speedway. Surveillance video showed that Evans was the shooter who injured Victim N, while Victim N was walking past the Speedway on his way home. Hodge, Evans, Mobley, and Williams then fled in two separate vehicles.

Law enforcement officers found evidence that over fifty gunshots were fired that evening. Victim N was shot in his back and left leg and Victim O was shot in his upper back. Both Victim N and Victim O survived their gunshot wounds.

iv. January 7, 2021 Desecration of Memorial for a Lows Member and Shooting at Lows Associates

On January 7, 2022, Knight posted a video to Snapchat, showing himself possessing a firearm with a fifty-round drum. He stated, "When I seen an Opp I'm going to strike." That same day, at approximately 5:07 p.m., Highs member Dashaun Morris was also captured in a cell phone video dancing and holding

a firearm at 42nd Avenue North and Lyndale Avenue North, across from the barbershop where Salter was murdered.

Moments after that video was captured, Knight destroyed a memorial to Emanuel Jones, a known Lows member who was killed on October 31, 2021. The video was captured by another cell phone video. In a frame of the video, a Toyota Corolla can be seen driving into the area. Knight then ran back to the rear passenger side of his vehicle and stated, “Give me my 50.” A third party handed Knight a firearm with an attached machinegun conversion device (or “switch”). The video briefly goes dark, and three different bursts of automatic gunfire can be heard, before Morris is visible in the video. One minute later, Knight can be seen walking with the firearm in his hand near Morris.

MPD officers responded to the scene for reports of shots fired within a minute. They located a Toyota Corolla with three occupants and found four bullet defects. None of the occupants were struck by gunfire.

v. Defendant Robinson Shoots at Victim C at Super America

On March 11, 2017, Brooklyn Center Police Department was dispatched to a shooting at a Super America gas station. Surveillance footage revealed a light colored Chevy Impala pull into the gas station at approximately 1:39 a.m. Several Highs street gang members exited the Impala, including Defendant Robinson, who was dressed in a black hoodie and blue jeans. Surveillance footage from inside the gas station captured Robinson inside the store.



Defendant Robinson (center) inside the Super America.

At about 1:45 a.m., Defendant Robinson exited the gas station and walked slowly past a black colored vehicle parked immediately in front of the store. Robinson spoke to someone in the black colored vehicle as he re-approached the Impala at the pump. As Robinson walked away, a male in beige pants exited the back passenger door of the black vehicle. Surveillance footage shows Robinson arriving back at the Impala, reaching behind towards the vehicle, and drawing a firearm. He fired multiple times towards the male in beige pants.

Less than a week later, Robinson provided a statement to law enforcement wherein he admitted that he was the Super America shooter. Robinson explained to police that he was affiliated with the Highs and the YNT clique. He also explained that at the time of shooting his “anger kick[ed] in too quick” and that because he was under the influence of narcotics he felt “paranoid” when he saw the man near the store. According to Robinson, his friends told him he yelled “Do you want some?” prior to shooting.



Defendant Robinson shoots toward Super America as the victim runs.

The light colored Chevy Impala was involved in three shootings over the course of approximately 24 hours—two separate MPD investigations were connected to this Brooklyn Park shooting. A Lows gang member was shot in connection with one of those shootings. MPD later recovered two 9mm

handguns hidden in the Impala. Robinson admitted to using one these firearms at Super America.



Firearms recovered from the Chevrolet Impala.

Police also recovered Facebook “live” videos of several of the individuals involved in this string of shootings. One video displays Highs members who refer to themselves as “killas” and “gang” members. In another video, Defendant Robinson is wearing the same outfit he was wearing at the time of the shooting.

i. Defendant Robinson Fires from a Vehicle at Two Males

On February 1, 2017, MPD officers responded to a Shotspotter activation on Morgan Avenue in North Minneapolis. A homeowner on scene heard gun fire and observed two juvenile males laying down on his front lawn. The homeowner suspected these two males were the targets of the gunfire. Another witness stated that he saw an individual firing a weapon from a small, red

Chevy that fled after the shots were fired. The windows of two different vehicles on the street were shot out and a bullet from the gunfire struck a nearby residence. A 9mm bullet was recovered from the living room of that residence.

Later that evening, police found the small, red Chevy at Winner Gas station. Defendant Robinson was the driver of the vehicle.



Defendant Robinson's vehicle with a firearm from the Morgan Avenue shooting.

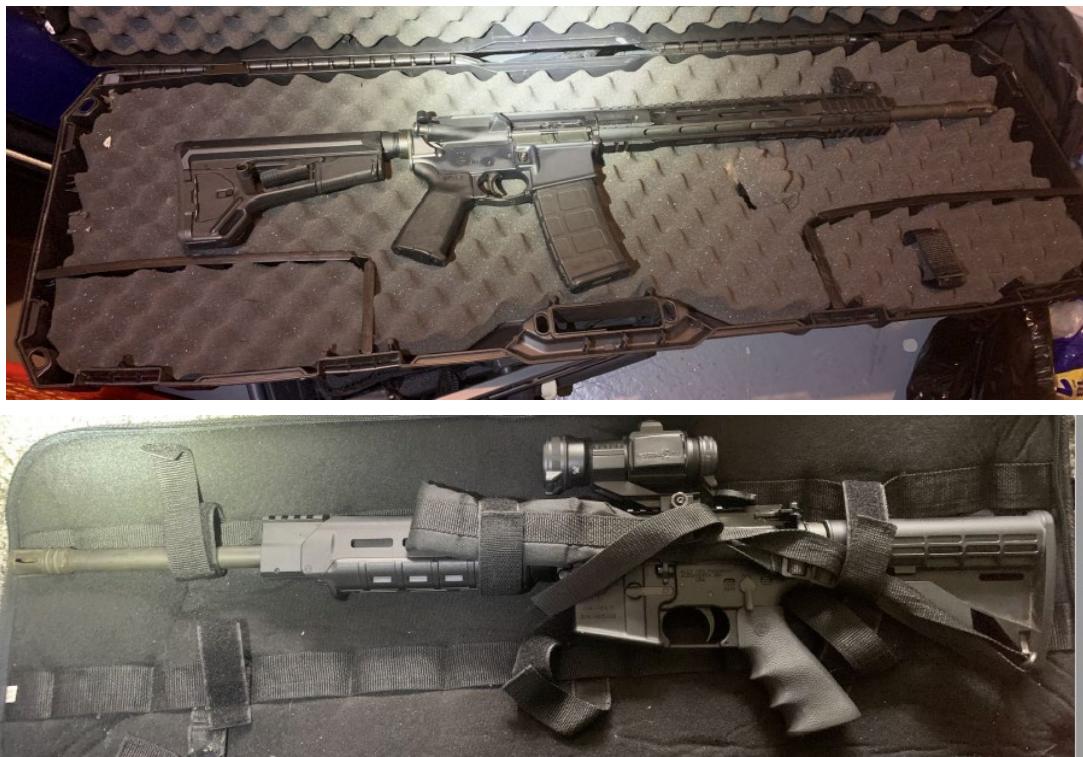
On the floorboard of the front passenger seating area, hidden behind a loose panel, police recovered a loaded 9mm handgun. Forensic analysis revealed that Defendant Robinson's right index finger matched an identified print lifted from the side of that pistol.

2. Other Overt Acts: Possession and Sharing of Firearms

As demonstrated by the significant number of shootings and murders, Highs members frequently use and share firearms as part of their membership in the criminal enterprise. A cooperating defendant will testify about one of the benefits of membership in the Highs: access to and the trading and sharing of firearms. He will further testify that proceeds from narcotics transactions are used to purchase firearms and narcotics, which are distributed among Highs members or used for the further distribution of narcotics.

i. Defendant Robinson Possesses an AR-15s and Handgun

Hennepin County Sheriff's Office (HSCO) investigated Defendant Robinson for suspected fentanyl and firearms trafficking in the fall of 2022. The culmination of that investigation resulted in a search warrant executed at Robinson's suspected residence in New Brighton, Minnesota. Upon execution of that warrant on October 27, 2022, police recovered several firearms, including two AR-15 rifles, multiple magazines, and a handgun. The major DNA profile from a swab taken from one of the recovered magazines matched Defendant Robinson.



AR-15s found at Defendant Robinson's residence.

ii. Defendant Washington Possesses a Firearm and Marijuana

On February 6, 2022, police responded to a shooting at Bobby and Steve's Auto World on Washington Avenue South. Surveillance footage showed three men arriving at the gas station in a grey Jeep Compass. Defendant Washington, driving a white Jeep Grand Cherokee, was also at the gas station. As both cars left Bobby & Steve's, the occupants of the Compass shot at Defendant Washington in the Grand Cherokee.

When police arrived on scene, the Compass fled on 35W heading west. Defendant Washington was the sole occupant of the Jeep Grand Cherokee. Washington had been shot once in the buttock. While on scene, a security guard for nearby Sherwin-Williams reported that Washington threw

something underneath a white car after stopping in the street. Surveillance footage confirmed that Washington tossed a firearm under a nearby Elantra where police later recovered a handgun with an extended magazine. Defendant Washington's DNA matched the major DNA profile taken from the grip of the firearm recovered from underneath that white vehicle.



Defendant Washington hides a firearm under an Elantra.

Police also recovered over \$900 cash from a bag on Washington's person and marijuana from his vehicle.

iii. Defendant Ketter Caught with Fentanyl Pills and Firearm

After the homicide of Damone Rhodes, Defendant Ketter was observed on the murder scene in Robbinsdale with a firearm. A 911 call later that day reported that Ketter threw a firearm into the bushes outside a Citizens Bank

branch location down the street. Based on this report, HCSO began an investigation into Ketter and his drug trafficking activities. An informant also reported to law enforcement that Ketter owned a pill press to manufacture M30 fentanyl pills.

On September 13, 2022, police executed a search warrant at Defendant Ketter's residence in downtown Minneapolis. During that search, law enforcement recovered a loaded Glock equipped with an auto sear (i.e., a switch), a Taurus handgun, several magazines and loose ammunition, a handgun light/laser, digital scales, baggies, a key to a black Mercedes sedan, and 148 M30 fentanyl pills. Defendant Ketter's DNA matched the major DNA profile taken from the swab of the baggie containing fentanyl pills.



Fentanyl and a firearm recovered from Defendant Ketter's residence.

3. Other Overt Acts: Narcotics Trafficking

Another purpose of the Highs enterprise is to enrich the leaders, members, and associates through, among other things, illegal trafficking and distribution of controlled substances. A cooperating defendant will testify that Highs members often sold fentanyl pills and other narcotics outside of Merwin Liquors, Winner Gas station, Boost Mobile, and other high-traffic areas in Highs territory. Highs members gain respect and stature in the gang by making more money from narcotics sales.

A cooperating defendant will further testify about how Highs members had sources of fentanyl and other narcotics based in Arizona. In the course of their investigation, law enforcement officers found significant evidence in the form of flight records, digital communications, and intercepted drug parcels, showing the pattern of narcotics distribution from the Highs' sources in Arizona to Minneapolis.

i. Flight Records

Law enforcement officers obtained records of flights for multiple Highs members engaged in narcotics trafficking, including for Defendant Lockhart, Defendant Ketter, and co-Defendants Gregory Brown, Montez Brown, Robert Lesure, Avante Nix, Deandre Poe, and Calvin Wright. As detailed below, flight records showed how these gang members would regularly travel to and from

Minneapolis and Phoenix to purchase fentanyl pills and other narcotics, to bring back for sale on behalf of the enterprise in Minneapolis:

- From July 27, 2020 through June 11, 2023, Lockhart took at least seven round trip flights from Minneapolis to Phoenix.
- From May 16, 2021 through March 18, 2022, Montez Brown took at least ten round trip flights from Minneapolis to Phoenix.
- From July 1, 2021 through June 21, 2022, Defendant Gregory Brown took at least eleven round trip flights from Minneapolis to Phoenix.
- On November 28, 2021 to December 1, 2021, Defendant Gregory Brown, Lesure, Nix, and Wright flew round trip between Minneapolis and Phoenix.
- From November 28, 2021 to November 16, 2022, Nix took at least ten round trip flights from Minneapolis to Phoenix.
- From November 6, 2022 through May 24, 2023, Poe took at least seven round trip flights from Minneapolis to Phoenix.

ii. Defendants Washington, Ketter, and Lockhart Found at Broadway and Lyndale with Marijuana

On January 2, 2020, police observed Defendants Washington, Ketter, and Lockhart conducting suspected hand-to-hand narcotics transactions in the area of Broadway and Lyndale.



Defendants Washington (front) and Lockhart (back).

In a subsequent traffic stop of that vehicle, Defendant Washington, the driver of the vehicle, possessed \$3,965 in bulk U.S. currency on his person. In total, police seized 111.8 grams of marijuana and \$234 in U.S. currency from the glovebox of the vehicle.

iii. Defendant Washington Possesses Marijuana at Merwin's

On June 19, 2019, MPD Ofc. Owen observed several known YNT and Freeshotz members of the Highs entering and exiting a gold Chevy Tahoe in the parking lot of Merwin Liquors. One individual placed a large baggy of suspected marijuana in the area behind the driver's seat of the Tahoe.

MPD arrived on scene shortly after and discovered Defendant Washington with several individuals inside of and surrounding the gold Tahoe.

Multiple baggies of marijuana, totaling about 71.8 grams, were seized from the vehicle.

iv. Defendant Washington Conducts Hand-to-Hand Transactions and Possesses Marijuana at Winner

The MPD Gang Interdiction Team conducted surveillance outside AutoZone on West Broadway Avenue on June 29, 2019. Officers observed several suspected hand-to-hand narcotics transactions involving a gold Chevy Tahoe and proceeded to conduct a traffic stop of the Tahoe after observing a large fight break out that involved the occupants of that vehicle. Defendant Washington was in the back seat of the vehicle at the time of the traffic stop. Police recovered a large bag of marijuana (approximately 191 grams) from the center console of the vehicle during a subsequent search.

v. Trevoneia Felton Conducts Hand-to-Hand Drug Transactions and is Arrested with Defendant Robinson

On November 17, 2020, MPD observed known Highs member Trevoneia Felton conducting hand-to-hand narcotics transactions at Winner Gas Station. Felton left Winner Gas and crossed into the Merwin Liquor's parking lot. While in the Merwin's parking lot, Felton came in and out of a vehicle driven by Defendant Robinson.



Hand-to-hand transaction at Winner Gas Station.

Police arrested the men during a stop of the vehicle at Merwin's.

Felton had marijuana, a scale, and plastic baggies on his person.

vi. Defendant Washington and Damone Rhodes Discuss Fentanyl Pills—Rhodes Later arrested at Country Inn & Suites with Fentanyl, Firearms, and Cash

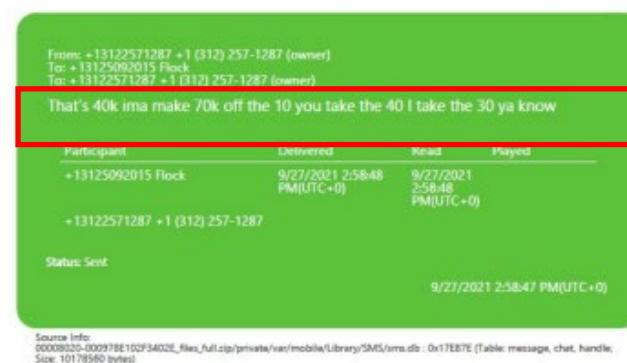
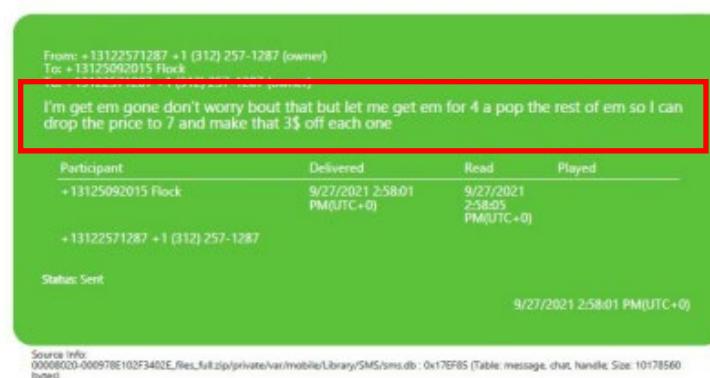
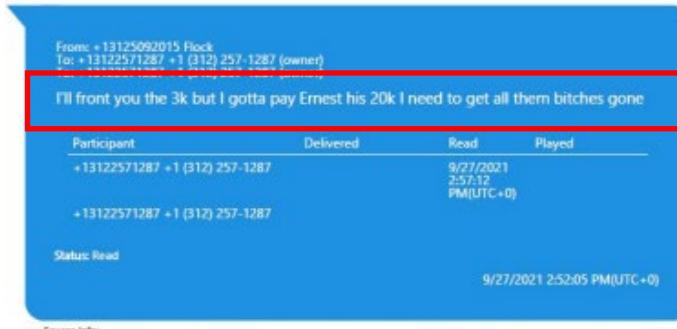
In October of 2021, Ramsey County Violent Crime Enforcement Team (VCET) was conducting an ongoing investigation into Damone Rhodes and Amarjah Lester (both Highs members) for suspected fentanyl trafficking. On October 11, 2021, Mounds View police responded a vehicle accident. Alan Young (the driver) claimed he had been driving Damone Rhodes home after going out downtown. After observing blue M30 pills on the passenger side of

the vehicle and ground (834 pills), police arrested Young and Rhodes. Rhodes had \$9,441 in bulk U.S. currency in his pockets.



Crash scene where Rhodes dropped 834 fentanyl pills.

Following, the accident, police seized Rhodes's cell phone and obtained a warrant to search it. Rhodes's phone contained several communications indicative of drug trafficking. Rhodes and Defendant Washington ("Flock") exchanged 275 messages between September 23rd and October 8th of 2021. Nearly all of the conversations between Rhodes and Washington involved the possession and sale of narcotics.



VCET continued to investigate Rhodes. Law enforcement observed Amarjah Lester and Damone Rhodes conduct several suspected hand-to-hand drug transactions out of a Jeep Trackhawk that November. On November 24, 2021, police executed a search warrant on a Country Inn & Suites hotel room believed to be occupied by Rhodes and Lester. Inside the room, police recovered over \$17,000 cash, 1,005 blue M30 fentanyl pills, five bottles of Promethazine,

a Glock 22 with an extended magazine, and a Smith & Wesson M&P with a loaded magazine.



Cash recovered from Country Inn & Suites.

vii. September 19, 2022 Arrest of Lockhart at Minneapolis-Saint Paul International Airport with Fentanyl Pills

On September 19, 2022, special agents of the Drug Enforcement Administration received information regarding a suspicious travel itinerary for a passenger named Latoya Palmer, who had purchased a same day ticket from Phoenix to Minneapolis. Airport police intercepted Palmer and Lockhart exiting the flight at the Minneapolis-Saint Paul International Airport. Upon noticing law enforcement and drug-detecting dogs, Palmer gave a gray bag to

Lockhart, who placed it under his arm and under a blanket. Lockhart then began to walk away, leaving Palmer and the children behind.

Airport police stopped Lockhart and asked him about the bag. Lockhart denied ownership of the bag and said one of the children he was with found it on the airplane. Law enforcement searched the gray bag and recovered four vacuum sealed bags containing fentanyl pills, constituting 1,136 grams of fentanyl.

viii. Defendant Washington Possesses Fentanyl and Cash and Defendant Ketter Flees with Bulk Cash

Hennepin County Violent Offender Task Force (Hennepin VOTF) conducted a narcotics trafficking investigation into Defendants Washington and Ketter the fall of 2023. Detectives applied for search warrants at several properties associated with Washington and Ketter, including a storage unit and several vehicles. In the course of executing a search warrant at Defendant Ketter's residence, police recovered a money counter and over \$7,000 in bulk U.S. currency. When attempting to arrest Ketter, Ketter fled in a Mercedes until police completed a PIT maneuver. Ketter had over \$3,385 in cash on his person.



Defendant Ketter after attempting to flee police

Washington was arrested with 809 M30 fentanyl pills in his pants, He also possessed a pink backpack containing 155 grams of marijuana and a digital scale. Washington was found with \$1,550 in his front left pocket. At Washington's apartment, police recovered an additional \$9,700 in bulk U.S. currency and two digital scales.

ix. Rhodes Possesses Over 1,000 Fentanyl Pills and \$21,000

On September 21, 2021, MPD officers responded to the parking lot of the McDonalds located at 1100 University Avenue NE due to reports of ongoing narcotics transactions. Law enforcement observed Highs member Damon Rhodes sitting in the driver's seat of a blue Dodge Charger. As the officers approached, Rhodes opened the driver's door and attempted to throw a plastic baggie of fentanyl pills onto the ground outside the vehicle.

Officers arrested Rhodes, and while searching his person, they found \$2,930 in his pocket. Police searched Rhodes's vehicle and recovered two plastic bags of blue fentanyl pills from the passenger floorboard, \$997 in the cupholder, \$21,000 in the front center console, two more bags containing a total of 183 pills of blue fentanyl pills on the rear seat, and smaller plastic bags containing 897 fentanyl pills inside a backpack.

In a post-*Miranda* interview, Rhodes admitted the pills were his and that he threw them in the backseat of the car when the police came. He claimed ownership over some of the cash and said the rest belonged to an unidentified male that left the scene when the police arrived. Rhodes admitted to selling the fentanyl pills, explaining that they were fronted to him to sell and that he sold them for \$10 a pill. In total, officers recovered approximately 139 grams of fentanyl from Rhodes's vehicle.

b. *Digital Evidence*

Through this investigation, law enforcement has recovered several digital communications between Highs members discussing travel and other logistics to conduct their narcotics trafficking for the enterprise. For example, the United States will present data from the Defendants' cellular device extractions showing several indicia of narcotics trafficking – including the negotiation of pricing, transaction locations, and product availability. Text and social media messages will similarly confirm that each of these Defendants

used digital devices and platforms to coordinate sales of narcotics, negotiate pricing of narcotics, and communicate with sources/distributors of narcotics.

Author BigWild Shiesty (Facebook: 100049310643889)
Sent 2021-05-15 00:58:58 UTC
Body I ran out of 15's
Author BigWild Shiesty (Facebook: 100049310643889)
Sent 2021-05-15 00:59:15 UTC
Body All i got is some 7.5's for 15
Author Exoticc Jefe (Facebook: 100001332086853)
Sent 2021-05-15 01:10:17 UTC
Body okay can you slide ?
Author BigWild Shiesty (Facebook: 100049310643889)
Sent 2021-05-15 01:11:01 UTC
Body I'm finna see bro finna bring how many you was trying to get
Author Exoticc Jefe (Facebook: 100001332086853)
Sent 2021-05-15 01:11:48 UTC
Body 5

Defendant Lockhart discussing drug trafficking.

Finally, law enforcement officers recovered photographs of narcotics and bulk cash taken by Highs members on cell phones. For example, Defendant Robinson took the photograph below of bulk cash in his cellular device.



Defendant Robinson with cash.

IV. EVIDENTIARY ISSUES

The United States has separately filed several motions in limine regarding evidentiary issues. The motions are:

- (1) Motion to admit self-authenticating records;
- (2) Motion to admit co-conspirator statements;
- (3) Motion to impeach defendants with prior convictions;
- (4) Motion to exclude Washington's Ex. D31
- (5) Motion to preclude references to potential punishments and state punishments;
- (6) Motion to preclude evidence related to discovery issues;
- (7) Motion to admit summary charts;
- (8) Motion to preclude defendants' hearsay statements;
- (9) Motion to admit witness plea agreements and cooperation agreements; and
- (10) Motion to preclude references to national or local police controversy;

/s/ Brian W. Lynch
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